

REMARKS

Claims 1-17, and 32-36 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The claims have been amended to be consistent with the specification as suggested by the Examiner. Accordingly, this rejection should be withdrawn.

Claims 3 and 35 stand rejected under 35 USC 112, second paragraph, for allegedly being indefinite. Claim 3 has been amended to remove “about” and claim 35 has been cancelled. Accordingly, this rejection should be withdrawn.

Claims 1, 5-7, 9, 10, 13-17 stand rejected under 35 USC 102(b) as being anticipated by Cao as evidenced by Nelson. This rejection is respectfully traversed. As previously explained Cao does teach the use of a primary amine as an enhancer for detecting a Raman signal. In the pending action, the Examiner responds that this argument was not persuasive because the claims do not specify that the amine is being used as an enhancer. Independent claim 1 has been amended to specify that the amine is being used as an enhancer. Accordingly, this rejection should be withdrawn as previously explained.

Claims 22-25 and 29 stand rejected under 35 USC 103(a) as being unpatentable over Bruchez in view of Van den Engh. This rejection is respectfully traversed. As previously explained Bruchez fails to disclose “applying an alternating current (AC) to the probe-target complex prior to detection, wherein the applied AC enhances the difference in the affect of the first probe on the second probe fluorescent signal or Raman spectra.” The Examiner acknowledges that Bruchez fails to disclose this applying the AC current but alleges that it would be obvious because Van den Engh discloses using AC current in a flow cytometer system that could be used with Bruchez. Van den Engh discloses applying the AC current to a crystal to create vibrations, Van den Engh does not disclose or suggest apply an AC current to the probe-target complex, or enhance the difference in the affect of the first probe on the second probe fluorescent signal or Raman spectra as claimed.

Claims 33 and 34 stand rejected under 35 USC 103(a) as being unpatentable over Vo-Dinh in view of Isola. This rejection is respectfully traversed. Claim 33 has been amended to specify that the nucleic acid is covalently attached to a primary amine Raman signal enhancer. Vo-Dinh fails to disclose selecting and utilizing a primary amine as a signal enhancer as claimed. Accordingly, this rejection should be withdrawn.

Claims 2-4 stand rejected under 35 USC 103(a) as being unpatentable over Cao as evidenced by Nelson. Claim 12 stands rejected under 35 USC 103(a) as being unpatentable over Cao as evidenced by Nelson in view of Lane. Claims 1, 5-11, and 14-17 stand rejected under 35 USC 103(a) as being unpatentable over Pastinen in view of Cao as evidenced by Nelson. These rejections are respectfully traversed.

Each of these rejections rely on Cao. As discussed above, independent claim 1 has been amended to specify that the amine is being used as a Raman signal enhancer. Cao fails to disclose utilizing an amine for this purpose. Further, none of the other cited references disclose utilizing an amine as a Raman signal enhancer. Accordingly, this rejection should be withdrawn.

Claims 30-32 stand rejected under 35 USC 103(a) as being unpatentable over Bruchez in view of Chan.

Bruchez fails to disclose “applying an alternating current (AC) to the probe-target complex prior to detection, wherein the applied AC enhances the difference in the affect of the first probe on the second probe fluorescent signal or Raman spectra.” Further, Chan fails to disclose applying an AC current to the probe target complex to enhance the difference in the affect of the first probe on the second probe fluorescent signal or Raman spectra as claimed. Accordingly, this rejection should be withdrawn.

Claims 33-36 stand rejected under 35 USC 103(a) as being unpatentable over Mirkin in view of Vo-Dinh. In this rejection the Examiner relies upon Vo-Dinh for disclosing the detection of a Raman signal. As explained above, claim 33 has been amended to specify that the nucleic acid is covalently attached to a primary amine Raman signal enhancer. Vo-Dinh fails to disclose selecting

and utilizing a primary amine as a signal enhancer as claimed. Accordingly, this rejection should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **070702007500**.

Dated: December 7, 2006

Respectfully submitted,

By

Jonathan Bockman

Registration No.: 45,640

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7769